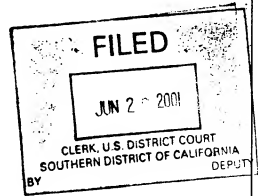


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE, INCORPORATED,

Plaintiff,

v.

VYSIS, INC.,

Defendant.

CASE NO. 99CV 2668H (AJB)

**DECLARATION OF THOMAS W.
BANKS IN SUPPORT OF VYSIS'
MOTION FOR ENTRY OF FINAL
JUDGMENT UNDER RULE 54(b)**

Date: July 30, 2001
Time: 10:30 am
Dept.: Courtroom 1

I, Thomas W. Banks, declare and state as follows:

- I have personal knowledge of the facts set forth in this declaration.
- I am an attorney licensed to practice in the State of California and admitted to practice in the United States District Court for the Southern District of California. I am a partner at

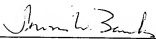
1 the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., and represent Defendant
2 Vysis, Inc. ("Vysis") in this litigation.

3 3. Attached as Exhibit A to this declaration is a true and correct copy of Gen-Probe's
4 Second Amended Complaint.

5 4. Attached as Exhibit B to this declaration is a true and correct copy of Gen-Probe's
6 Memorandum of Points and Authorities In Support of Plaintiff Gen-Probe Incorporated's Motion for
7 Partial Summary Judgment.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct to the best of my knowledge and belief.

10 Executed this 28th day of June, 2001 at Palo Alto, California.

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Thomas W. Banks

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<u>Exhibit</u>	<u>Description</u>	<u>Page</u>
A	Gen-Probe's Second Amended Complaint.	1
B	Gen-Probe's Points and Authorities In Support of Plaintiff Gen-Probe Incorporated's Motion for Partial Summary Judgment.	24